

REMARKS

Claims 36-62, 65, 68, and 71-89 have been rejected by the Non-Final Office Action dated March 3, 2009. Claims 36, 50, 51, 65, and 68 have been amended. No new matter has been added by these amendments. The amendments clarify the pre-existing scope of the claims. At least for the reasons discussed below, the claims should now be in condition for allowance.

103 Rejections

Claims 36-62 and 65-89 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent Publication No. US 2001/0049470 to Mault ("Mault") in view of U.S. Patent No. 6,736,759 to Stubbs et al ("Stubbs"). Applicant respectfully traverse these rejections.

Mault in view of Stubbs does not teach or suggest “wherein the storage device is configured to be modularly removable from the wireless network to allow the athlete to choose when to use the wireless network without the functions provided by the storage device” as recited by amended claim 36. This feature is taught throughout the Specifications. See e.g., Specification [0017]. At most, Stubbs discloses that an exercise monitoring system can have different configurations of components, but does not disclose that the components can be added or removed modularly from the wireless network. See Stubbs, 8:6-17. Also, a combination of Mault and Stubbs does not correct the deficiencies of the two references. At least for these reasons amended claim 36 is not obvious based on Mault in view of Stubbs.

Amended claims 50, 65, and 68 recite a similar, albeit different feature. Thus, at least for substantially similar reasons as for amended claim 36, amended claims 50, 65, and 68 should also non-obvious based on Mault in view of Stubbs.

Mault in view of Stubbs does not teach or suggest that the “a display device comprising a first wireless receiver ... receive the heart rate output and the speed of movement output using the first wireless receiver ” and “a removable storage device ... receive using the second wireless receiver ”. These elements are taught throughout the Specifications. See e.g., Specification [173]. Nothing in Mault or Stubbs such use of the receiver.

Moreover, as for amended claim 36, Mault in view of Stubbs does not teach or suggest “a removable storage device comprising a second wireless receiver, wherein the storage device is adapted to be worn separately from the display device” as recited by amended claim 36. This feature is taught throughout the Specifications. See e.g., Specification FIG 10, [0243]. In

contrast, Mault discloses that component 7 includes both memory 77 and display screen 52. It is unclear if the Office Action is interpreting the whole component 7 as reading on the display device, the memory device, or both, or whether display screen 52 is the display device and memory 77 is the memory device. See Office Action, pp. 3-4. Should the Office Action interpret display screen 52 as teaching or suggesting the display device, Mault clearly shows that the two components 77 and 52 are part of the same device and therefore are not “worn separately”, as required by amended claim 36. Moreover, should the Office Action interpret component 7 as a whole as teaching or suggesting the memory device, clearly FIG. 7 shows that memory and display is part of component 7, and therefore component 7 is both a memory and a display device, in the same device. See e.g., Office Action, pp. 11-12 (referring to component 7 as “display component 7”). Under the interpretation that component 7 as a whole is the memory device, clearly the memory and display devices are not “worn separately” because the memory and display devices are one in the same device. Nothing in either Mault or Stubbs teaches or suggests this element along with the combination of the rest of the features of the claims. Therefore, at least for this reason, amended claim 36 should be in condition for allowance.

Amended claims 50, 65, 66, and 68 recite similar, albeit different elements and therefore should be allowed for at least substantially similar reasons as for amended claim 36.

Moreover, as for amended claim 51, Mault in view of Stubbs does not teach or suggest “to ignore information that is received from an outside device that is outside the modular personal network,” as recited by amended claim 51. This feature is taught throughout the Specifications. See e.g., Specification [0219]. Nothing in Mault or Stubbs, alone or in combination, teaches or suggests that the display device performing “ignor[ing]” particular types of data. Therefore, at least for this reason, amended claim 51 should be in condition for allowance.

Moreover, as for amended claim 65, neither Mault nor Stubbs, alone nor in combination teaches “simultaneously displaying the received heart rate data and the received speed data using the personal computer”, as recited by amended claim 65. The Office Action Stubbs, column 3, lines 6 et seq. for this feature. See Office Action, p. 6. However, at most Stubbs discloses “display[ing] the acquired data on a personal computer.” See Stubbs, 3:30-35. But, Stubbs does not disclose that the displaying of the various data is “simultaneous.” At least for this reason, amended claim 65 should be in condition for allowance.

Amended claim 68 recite a similar, albeit different feature, and therefore should be allowed for at least substantially similar reasons as for amended claim 65.

Moreover, Applicant again reiterates that the combination of Mault with Stubbs as asserted by the Examiner is not proper at least based on Applicant's remarks filed in the previous Amendment dated December 18, 2008 (incorporated herein by reference). An obviousness analysis is a functional approach and Applicant's explanations provided in the previous Amendment should be considered and if considered demonstrate that the Patent Office has not met its burden by a preponderance of the evidence and the arguments. However, to expedite prosecution, Applicant have submitted the clarifying amendments provided herein.

Conclusion

Applicant believes that the Application is now in condition for allowance. The issuance of a notice of allowance is respectfully requested. The Examiner is invited to contact the undersigned if any additional information is required.

Respectfully submitted,

6/3/09
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